

UNITED STATES DISTRICT COURT

for the

District of New Jersey

Civil Division

Lisa Annette DeVivo
Lisa Annette DeVivo Power of Attorney for
Christopher J Caltabiano

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

City of Somers Point
Lisa A King Tax Collector
Judge Susan Sheppard

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

Case No.

(to be filled in by the Clerk's Office)

Jury Trial: (check one) ☐ Yes ☐ No

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS (Non-Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Lisa Annette DeVivo, POA Christopher J Caltabiano		
Address	mail only: 2606 NW 104th Avenue apt 405		
	Sunrise	FL	33322
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County	Atlantic County		
Telephone Number	(802)(309-6369		
E-Mail Address	lisaannette11@proton.me		

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name	Lisa A King		
Job or Title <i>(if known)</i>	Tax Collector		
Address	1 W New Jersey Ave		
	Somers Point	NJ	08244
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County	Atlantic		
Telephone Number	(609)927-9088 ext 126		
E-Mail Address <i>(if known)</i>	lking@spgov.org		

☐ Individual capacity ☐ Official capacity

Defendant No. 2

Name	Lisa A King		
Job or Title <i>(if known)</i>	Tax Collector		
Address	1 West New Jersey Ave		
	Somers Point	NJ	08244
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County	Atlantic		
Telephone Number	(609)927-9088 ext 126		
E-Mail Address <i>(if known)</i>	LKing@spgov.org		

☒ Individual capacity ☐ Official capacity

Defendant No. 3

Name M Susan Sheppard
 Job or Title *(if known)* Judge
 Address 9 N Main Street
 Cape May Court House NJ 08210
City State Zip Code
 County Cape may
 Telephone Number (609) 402-0100
 E-Mail Address *(if known)*

☐ Individual capacity ☐ Official capacity

Defendant No. 4

Name M Susan Seppard
 Job or Title *(if known)* Judge
 Address 9 N Main Street
 Cape May Court House NJ 08210
City State Zip Code
 County Cape May
 Telephone Number (609) 402-0100
 E-Mail Address *(if known)*

☒ Individual capacity ☐ Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against *(check all that apply)*:

☐ Federal officials (a *Bivens* claim)

☒ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

U.S. Constitution

5th Amendment (takings clause): Prohibits private property seizure without just compensation. Prohibits depravation of " Life, liberty, or property" without due process

14th Amendment Extends due process protections to state actions affecting property

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

N.J.S.A. 54:5-26

outlines the required notices to property owners and interested parties.

N.J.S.A. 54:5-26,

> Simon v. Cronecker from 2007. In that case, the New Jersey Supreme Court addressed the adequacy of notice for tax lien sales. The court emphasized strict compliance with statutory notice requirements, including mailing to the last known address and publication. This case is directly relevant.

Twp. of Montville v. Block 69, Lot 10, where the court invalidated a tax sale because the municipality failed to provide proper notice to a mortgagee. This aligns with the Mennonite decision but applies it at the state level.

Corrado, LLC v. Township of Union, where the court reinforced that even minor deviations from notice statutes can invalidate a tax sale. This shows New Jersey's strict approach.

New Jersey-specific cases:

*****1. Statutory Framework*****

New Jersey's tax sale process is governed by *****N.J.S.A. 54:5-1 et seq.***** Key notice requirements include:

- *****N.J.S.A. 54:5-26*****: Requires municipalities to provide *****written notice***** to the property owner and any interested parties (e.g., mortgage holders) *****at least 30 days before the tax sale*****.
- Notice must be sent via *****certified and regular mail***** to the owner's last known address.
- If the owner's address is unknown, notice must be published in a local newspaper *****twice*****, with the last publication at least *****10 days before the sale*****.
- *****N.J.S.A. 54:5-27*****: Requires the municipality to post notice of the sale at the property and in a public place (e.g., city hall).

2. Key New Jersey Case Law**

a. *Simon v. Cronecker*, 189 N.J. 304 (2007)**

The New Jersey Supreme Court clarified strict compliance with tax sale notice requirements.

Facts- A property owner challenged a tax sale, arguing the municipality failed to send notice to her correct address. The municipality had mailed notice to an outdated address on file.

Holding:

- Notice must be sent to the owner's "last known address" as shown on the tax collector's records.
- Failure to update records (e.g., ignoring a forwarding address) invalidates the sale.

Quote

"The tax sale statute is to be strictly construed against the municipality. Notice must be reasonably calculated to reach the owner, and the burden is on the municipality to prove compliance."

b. *Twp. of Montville v. Block 69, Lot 10*, 74 N.J. 1 (1977)**

Relevance: Addressed notice to mortgage holders.

Holding:

- Municipalities must provide **actual notice** to mortgagees and lienholders with recorded interests.
- Mere publication in a newspaper is insufficient for parties with recorded interests.

c. *53 Corrado, LLC v. Township of Union*, 466 N.J. Super. 131 (App. Div. 2020)**

Relevance: Recent case reinforcing strict notice standards.

Facts: The township sent notice via certified mail, but it was returned as "unclaimed." They proceeded with the sale without further action.

Holding:

- Follow-up steps are required if certified mail is returned (e.g., regular mail, posting on the property, or skip-tracing).
- Failure to take additional steps violates due process under *Jones v. Flowers* (cited in federal context).

3. Recent Legislative Updates

- 2021 Amendment to N.J.S.A. 54:5-26: Now requires municipalities to cross-check addresses with other government databases (e.g., motor vehicle records) to update owner information before sending notice.

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- D. Section 1983 allows defendants to be found liable only when they have acted “under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia.” 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

Lisa A King as follows: Ms. King while in her official copacity sold a tax deed certificate on October 9, 2020. The property was purchased on April 12, 2019 for full equitable consideration without encumbrances. The plaintiffs Lisa Annette DeVivo & Christopher J Caltabiano have not transfered equitable interest to any goverment, corporation, or individual entity by way of contract or any other

III. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. Where did the events giving rise to your claim(s) occur?
Somers Point, Atlantic County, New Jersey
-

- B. What date and approximate time did the events giving rise to your claim(s) occur?
October 9, 2020 is the date listed on the tax sale No notice of intent or that sale had occurred was sent to the property as of December 20 2021. Pellegrino and Feldman filed for foreclosure in May of 2024
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- C. What are the facts underlying your claim(s)? (*For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?*)
Lisa Annette DeVivo & Christopher J Caltabiano purchased (100 Colwick Drive (Block1629 Lot16) for their private use as their primary residence for cash on April 12, 2019. No liens or encumbrances of any kind were attached giving us full equitable interest. No Notice of intent to sell a tax certificate was ever mailed certified or otherwise. It was not until I discovered Joann Touch was in possession of my identifying documents including the deed to the property and placed a watch upon the property in February of 2022 that a year or so later was notified of the certificate.
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II Basis of Jurisdiction:

D. Lisa A King continued: Ms. King was asked to provide a copy of the signed contract that would transfer equitable interest in the property. Ms. King was unable to provide any such document. She was also asked to provide documentation of all notices sent to the plaintiffs; a singular redacted blurry newspaper clipping was sent. Ms. King was unable to meet the simplest of evidence requests or substantiate that there was ever an enforceable contract with any parties that would lawfully transfer equity in the property.

M. Susan Sheppard as follows: On July 24, 2024, Judge Michael Blee transferred all cases that were active to Cumberland County. However, Judge Sheppard made the decision to retain the foreclosure proceedings and preside over them. Plaintiffs filed explaining that the City's claim to equitable interest in the property was in dispute making any foreclosure action premature. The history between judge Sheppard and the plaintiff would defiantly be more than enough to recuse. In stark contrast to a recusal, she retained the case. In speaking with the Omnibus man, the usual process is for the Statewide Foreclosure Unit to adjudicate the matter. Judge Sheppard has ulterior motives and has failed in her duties to protect the constitution. The totality of her conduct in all cases illuminates that she has been using her position in the judiciary to deprive the plaintiff of her property rights. The plaintiff petitioned for a fee waiver and was denied during the same time this court had granted the same. Rejecting Ms. DeVivo's lawful filings, including one asking for her to recuse herself, without just cause. Then finally granting a default judgement of foreclosure. Her extreme bias is clearly represented by her actions.

IV. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

The purpose of paying cash for the home was to be secure in our property and ownership there of. The pandemic lock-down was in full effect during the time the tax certificate was sold. I have spent hours on end trying to understand how this could be a lawfully executed tax sale. The original certificate was for \$3800. When I requested copies of the attempts to notify, a single news paper clipping was returned. I making it clear that no effort of any kind was made to properly convey the intention to sell.

My already burdensome legal battles due to my husbands mental illness and what is shaping up to be clear fraudulent concealment of properties belonging to my brother and I has caused a great deal of anxiety and fear. I seem to have been targeted by the city and the judiciary. I have no contracts with any government agency and have repeatedly requested to see the signed agreement giving any party equitable interest to my private property used to house my family. Judge Sheppard retained the case after all cases were transferred to Cumberland County. The other case was a TRO granted to my husband based on false statements none of which indicated any immediate danger or fear. It excluded me from my lawfully acquired property and transferred custody of my daughter to her father. my husband was deemed unfit for custody due to his mental illness in 2014 in Delaware County Pa, confirming all custodial responsibility in myself. Judge Sheppard has ignored her duties in both instances violating the most basic god given rights to raise my child and be secure in my property. The damage of these unlawful acts not fully realized each day irreparable damage accumulates for my family. The records for the TRO have been tampered with which can only produce fraudulent rulings and orders being enforced unlawfully. A search has indicated the certificate issued signor may have been deceased 8 months prior.

V. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

Declare the tax sale to be fraudulent no contract can be produced / failure to notify violated due process protections

Declare the certificate void with out force of law

Dismiss Case STW-F-004595-24 is set for redemption

Ensure that all fictitious entities are removed from paperwork

Ensure that the Deed reflects the true ownership being vested solely in Lisa Annette DeVivo POA for Christopher J Caltabiano as private property.

Ensure that my families status as an American Citizen and inalienable rights are safeguarded

Confirm that as Christopher Joseph Caltabiano's lawful spouse of 11 years and his POA for six years No third parties are authorized to speak to his interests

VI. Certification and Closing

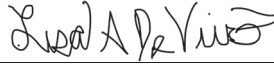
Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 02/26/2025

Signature of Plaintiff



Printed Name of Plaintiff

Lisa Annette DeVivo

B. For Attorneys

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

City

State

Zip Code

Telephone Number

E-mail Address

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44**Authority For Civil Cover Sheet**

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
 - (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
 - (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here. United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
- Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
- Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
- Original Proceedings. (1) Cases which originate in the United States district courts.
- Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
- Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
- Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
- Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
- Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
- Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
- PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
- Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
- Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related cases, if any. If there are related cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.